

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEMETRIUS JENKINS,  
Petitioner,

-against-

**NOTICE OF MOTION  
TO PROCEED ON APPEAL  
IN FORMA PAUPERIS**

**Docket # 07-Civ.8263(AKH)**

JAMES T. CONWAY, SUPERINTENDENT  
OF ATTICA CORRECTIONAL FACILITY,  
Respondent.

PLEASE TAKE NOTICE, that petitioner will move this court for  
an order allowing him to proceed on this Appeal under in forma  
pauperis status.

The motion is based upon the annexed Affidavit  
of Demetrius Jenkins who is the defendant in this matter and  
who is appearing pro-se.

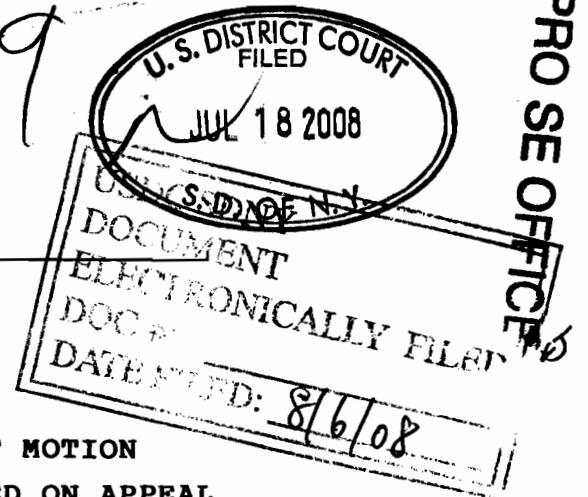
This motion will be submitted to the court at a date and time  
to be set by the court at the United States Courthouse, at 500  
Pearl Street, New York, New York. Oral argument is not requested.

DATED: Attica, New York

July 14, 2008

*The motion is granted, but only to the  
extent of such proceedings as may be  
available in the Court of Appeals  
in the absence of a certificate of  
appealability. See order, 6/19/08  
8-6-08  
Alvin K. Hall*

BY: DEMETRIUS JENKINS  
Defendant, PRO-SE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DEMETRIUS JENKINS,

Petitioner,

-against-

**AFFIDAVIT IN SUPPORT  
OF MOTION TO  
PROCEED ON APPEAL IN  
FORMA PAUPERIS  
Docket # 07-Civ.8263(AKH)**

JAMES T. CONWAY, SUPERINTENDENT  
OF ATTICA CORRECTIONAL FACILITY,  
Respondent.

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Appellant, Demetrius Jenkins, swear under penalty of perjury that because of my poverty and incarceration, I cannot pay for the Docket Fees on my Appeal under 28 U.S.C. § 1915, and I believe that I am entitled to relief from the judgment under which I am presently incarcerated. I swear under penalty of perjury that my answers on this Affidavit are true and correct. (28 U.S.C. § 1621).

Upon denial of my petition for a writ of Habeas Corpus, I intend to submit an application before the United States Court Of Appeals for the Second Circuit, and before I am entitled to make such application as a poor person, I must first apply to this court for relief in the nature of **In Forma Pauperis**.

My issues on appeal are that I am being illegally detained by virtue of a judgment of conviction that was had in violation of my Constitutional Rights, specifically, my right to a fair trial

which the trial court denied me by its interference into the examination of witnesses and my right to the effective assistance of counsel throughout my criminal prosecution for Murder in the Second Degree which I was sentenced to an aggregate term of imprisonment of from 25 years to life.

I am presently incarcerated at the Attica Correctional Facility, and enrolled in a vocational program for which I receive approximately \$10.00 dollars per week as an incentive.

In the past 12 months I have not received any income from any of the following resources:

- a. Business, profession or other self-employment;
- b. Rent payments, interest or dividends;
- c. Pensions, annuities or life insurance payments;
- d. Disability or workers compensation payments;
- e. Or any other sources, with the exception of an occasional small monetary gift from a family member or friend.

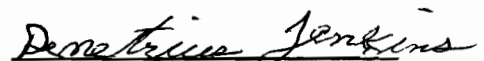
I do not have any savings, checking or other bank accounts.

I do not own any stocks, bonds, securities, or other financial instruments, automobiles or any other property of value.

I have no other person who are dependent upon me for support or maintenance.

**I declare under penalty of perjury that the above information is true and correct.**

Executed on this 14 day of July, 2008.

  
Demetrius Jenkins